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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,401	12/08/2003	Sohail Baig Mohammed	MS1-1873US	2587
22801	7590	07/17/2008		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
EXAMINER				
PRCT, NATHAN E				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
07/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,401

Applicant(s)

MOHAMMED ET AL.

Examiner

NATHAN PRICE

Art Unit

2194

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-35, 37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-35, 37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/30/2008; 04/28/2008; 01/04/2008.

DETAILED ACTION

1. Claims 1, 7 – 35, 37 and 39 – 47 are pending.
2. This Office Action is in response to communications received 28 April 2008.
Previous objections and rejections not included in this Office Action have been withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 April 2008 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 7 – 35, 37 and 39 – 47 have been considered but are not persuasive or are moot in view of the new ground(s) of rejection.
5. Applicant argues the references fail to teach a partial topology object and converting the partial topology object into a full topology object as claimed. However,

Lortz teaches a single filter has sources, sinks and performs transformations and is used in a larger filter graph (col. 2 lines 32 – 49; col. 8 lines 4 – 25). Therefore, the single filter is interpreted as a partial topology object that is converted into a full topology object as claimed. Lortz additionally teaches the use of interfaces to control the filter graph (col. 6 lines 59 – 67).

6. See current grounds of rejection regarding limitations argued and not specifically addressed in the response to arguments.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 7 – 35, 37 and 39 – 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. The term "simple" in claims 1 and 46 is a relative term which renders the claim indefinite. The term "simple" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Accordingly, it is not clear what determines if an API is simple.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 7 – 14, 17 – 35, 37 and 39 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (see PTO-892 mailed 05 July 2007) in view of Lortz (US 7047554 B1).

10. As to claim 1, Sullivan teaches a system comprising:

one or more computer-readable media (inherent);

an application program interface embodied on the one or more computer-readable media and which can be utilized to present a presentation (p. 3 ¶2-3);

the application program interface comprising:

a plurality of open methods that can be called by an application, the open methods comprising a parameter for specifying a destination for the presentation, and at least a parameter for specify a data source for the presentation; wherein collectively, the parameters for specifying a data source enable data sources to be specified in different manners (p. 55 ¶2-4; p. 64 ¶4 – p. 65 ¶1);

a method for ascertaining the state of a media engine that causes the presentation to be presented (p. 154 ¶3);

a method for ascertaining capabilities of the media engine (p. 56 ¶4);

a method to start processing media samples that are the subject of the presentation (p. 34 ¶6);

a method to stop processing media samples (p. 34 ¶6); and

a method to pause media sample processing (p. 34 ¶6; Fig. 4.4).

11. Sullivan fail to teach a topology object and configuring a media session as claimed. However, Lortz teaches a parameter for specifying a data source specifies a partial topology object that defines sources, sinks and transforms to be used in the presentation wherein the partial topology is converted into a full topology (abstract; col. 2 lines 32 – 49; 2 lines 66 – col. 3 lines 6; col. 6 lines 59 – 67; col. 7 lines 21 – 24; col. 8 lines 4 – 24) and a plurality of methods that enable the media engine to configure a media session for a presentation, wherein a media session provides a simple API for building, configuring and manipulating a pipeline of components for media flow control between an origin and one or more destinations (col. 5 lines 28 – 40; col. 6 lines 59 – 67).

12. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are directed towards processing multimedia content.

13. As to claim 7, Sullivan teaches one media engine state comprises an initial state that is assumed when the media engine is created (p. 34 ¶1; p. 35 ¶4).

14. As to claim 8, Sullivan teaches one media engine state comprises a connecting state that is assumed when the media engine is trying to open a networked media and is connecting to a server (p. 95 ¶1; p. 97 ¶3).

15. As to claim 9, Sullivan teaches one media engine state comprises an opened state that is assumed when the media engine has successfully opened a media (p. 34 ¶1; p. 35 ¶4).

16. As to claim 10, Sullivan teaches one media engine state comprises a running state that is assumed when the media engine has successfully started a presentation (p. 34 ¶6).

17. As to claim 11, Sullivan teaches one media engine state comprises a paused state that is assumed when the media engine has successfully paused a presentation (p. 34 ¶6; Fig. 4.4).

18. As to claim 12, Sullivan teaches one media engine state comprises a shutdown state that is assumed when the media engine is shut down (table 3.1).

19. As to claim 13, Sullivan teaches one media engine state comprises a transitioning state that is assumed when an asynchronous call is made on the media engine (p. 95 ¶1-2).
20. As to claim 14, Sullivan teaches one media engine state comprises a suspended state that is assumed when the opening or running of the media engine is waiting on a user action (p. 76 ¶2).
21. As to claim 17, Sullivan teaches the method to start processing samples comprises a first parameter for specifying a time format to use with other parameters and at least a second parameter for specifying an offset from which to start processing (p. 331; p. 251 `setRate`, `setTimeBase`).
22. As to claim 18, Sullivan teaches a method that returns a current destination (p. 153 ¶5).
23. As to claim 19, Sullivan teaches a method that returns a presentation clock being used for the presentation (p. 250 `getMediaTime`).
24. As to claim 20, Sullivan teaches a method that provides access to metadata associated with the presentation (p. 96 #2).

25. As to claim 21, Sullivan teaches a method that provides access to statistics associated with the presentation (p. 96 #2 – 3).

26. As to claim 22, Sullivan teaches an event generator interface for generating events associated with the presentation (p. 33 ¶1; p. 257 ¶1).

27. As to claim 23, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event that is associated with a new presentation (p. 300 ¶1).

28. As to claim 24, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with completion of an open call (p. 302 ¶1).

29. As to claim 25, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with completion of an operation begun by calling said method to start processing media sample (p. 305 StartEvent).

30. As to claim 26, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event

associated with completion of an operation begun by calling said method to stop processing media samples (p. 308 StopEvent).

31. As to claim 27, Sullivan at least implies an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with completion of an operation begun by calling said method to pause processing media samples because Sullivan teaches pausing and generating similar events (p. 34 ¶6; Fig. 4.4; p. 305 StartEvent; p. 308 StopEvent).

32. As to claim 28, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event that indicates that a last media sample from an active media source has been rendered (p. 271 EndOfMediaEvent).

33. As to claim 29, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with completion of an operation begun by calling a close method on the media engine (p. 267 DeallocateEvent).

34. As to claim 30, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with a presentation switch (p. 291 time set event).

35. As to claim 31, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with a destination change (p. 302 event).

36. As to claim 32, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event associated with a media engine state change (p. 33 ¶1; p. 257 ¶1).

37. As to claim 33, Sullivan teaches an event generator interface for generating events associated with the presentation, wherein one event comprises an event that indicates that a set of operations allowed by the media engine has changed (p. 76 ¶2).

38. As to claim 34, Sullivan teaches a stream selector interface that provides methods for setting stream selection modes (p. 34 ¶1; p. 64 ¶2).

39. As to claim 35, Sullivan teaches a stream selector interface that provides methods for setting stream selection modes, wherein one mode comprises an automatic mode in which the media engine is responsible for selecting which streams are used; another mode comprises a manual mode in which an application has control over which streams are selected (p. 34 ¶1; p. 70 1st full section).

40. As to claim 37, Sullivan fails to specifically teach topologies as claimed. Lortz teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method for initializing a full topology on the media session (col. 5 lines 28 – 40; col. 6 lines 59 – 67).

41. As to claim 39, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to start processing media samples for the presentation (p. 34 ¶6).

42. As to claim 40, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to start media sample processing without rendering the media samples (p. 336 start).

43. As to claim 41, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to pause media sample processing in the media session (p. 34 ¶6; Fig. 4.4).

44. As to claim 42, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to stop media sample processing in the media session (p. 34 ¶6).

45. As to claim 43, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to shut the media session down and release resources used by the media session (table 3.1).

46. As to claim 44, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to specify a presentation clock to be used in rendering a current media session (p. 251 setTime, setRate, setTimeBase).

47. As to claim 45, Sullivan teaches a media session interface that provides methods that enable the media engine to configure a media session for a presentation, wherein one method comprises a method to return a presentation clock being used to rendering a current media session (p. 250 getTime).

48. As to claim 46, see the rejection of claims 1, 20 – 22, 34 and 36.

49. As to claim 47, see the rejection of claim 1.

50. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Lortz as applied to claim 1 above, and further in view of Mirashrafi et al. (US Pat. 5,574,934; hereinafter Mirashrafi).

51. As to claims 15 and 16, Sullivan and Lortz fail to specifically teach bitwise OR of the current capabilities as claimed. However, when combined with Mirashrafi, the references teach (claim 15) the method for ascertaining the capabilities of the media engine returns a bitwise OR of the current capabilities of the media engine and (claim 16) the method for ascertaining the capabilities of the media engine returns a bitwise OR of the current capabilities of the media engine, and wherein bits that describe the current capabilities of the media engine comprise a start bit, a skip forward bit, a skip backward bit, a skip node bit, a seek bit, and a pause bit (Mirashrafi: col. 72 line 14; col. 74 line 1 – col. 75 line 8) (Sullivan: p. 56 ¶4; p. 331; p. 76 ¶2; p. 34 ¶6; Fig. 4.4). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because they all teach determining capabilities and multimedia processing. In addition, Mirashrafi's teaching of bitwise OR would improve the clarity of what each bit represent..

Conclusion

52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195